

**HOUSE JOURNAL
65TH LEGISLATURE
TWENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
February 8, 2017

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker presiding. Invocation by Representative A. Hertz. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Correctly printed: **HB 126, HB 182, HB 195, HB 201, HB 211, HB 245, HB 256, HB 257, HB 271, HB 279, HB 286, HB 305, HB 316, SB 68, SB 404, SB 406, SB 407, SB 408, SB 409, SB 410, SB 411, SB 412, SB 413, SB 414.**

Examined by the sponsor and found to be correct: **HB 43, HB 63, HB 76, HB 115, HB 122, HB 221.**

Transmitted to the Senate: **HB 95, HB 182, HB 195, HB 201, HB 245, HB 256, HB 271, HB 279, HB 286, HB 305, HB 316.**

Signed by the President at 2:15 p.m., February 8, 2017: **HB 74, HB 88, HB 113, HB 197.**

Signed by the Speaker at 3:50 p.m., February 8, 2017: **HB 43, HB 63, HB 76, HB 221.**

Signed by the Chief Clerk of the House at 4:30 p.m., February 8, 2017: **HB 43, HB 63, HB 76, HB 221.**

Delivered to the Governor for approval at 11:45 a.m., February 8, 2017: **HB 16, HB 25, HB 40, HB 120, HB 132.**

REPORTS OF STANDING COMMITTEES

JUDICIARY (Doane, Chair):

2/8/2017

HB 62, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "REVENUE TO"

Insert: "WORK COOPERATIVELY WITH THE OFFICE OF STATE PUBLIC DEFENDER TO"

2. Title, page 1, line 6.

Following: "DEFENDER SERVICES;"

Insert: "REQUIRING THE OFFICE OF COURT ADMINISTRATOR TO PREPARE AND PROVIDE A REPORT CONCERNING ASSESSED COSTS;"

3. Title, page 1, line 7.

Strike: "PUBLIC DEFENDER ACCOUNT"

Insert: "GENERAL FUND"

4. Title, page 1, line 8.

Strike: "DEPARTMENT OF REVENUE"

Insert: "OFFICE OF STATE PUBLIC DEFENDER"

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5. Title, page 1, line 9.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

6. Page 1, line 11.

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 46-8-113, MCA, is amended to read:

"46-8-113. Payment by defendant for assigned counsel -- costs to be filed with court -- collection of unpaid costs. (1) Subject to the provisions of subsections (2) and (3), as part of or as a condition of a sentence that is imposed under the provisions of this title, the court shall determine whether a convicted defendant should pay the costs of counsel assigned to represent the defendant as follows:

(a) If the defendant pleads guilty prior to trial:

(i) to one or more misdemeanor charges and no felony charges, the cost of counsel is \$250; or

(ii) to one or more felony charges, the cost of counsel is \$800.

(b) If the case goes to trial, the defendant shall pay the costs incurred by the office of state public defender for providing the defendant with counsel in the criminal trial. ~~The~~ Upon request, the office of state public defender shall file with the court a statement of the hours spent on the case and the costs and expenses incurred for the trial.

~~(2) (a) Any costs imposed pursuant to this section must be paid in accordance with 46-18-251(2)(e).~~ The office of the court administrator shall prepare a single combined report for each court assessing costs under this section by individual defendant and provide a copy of the report to the office of state public defender on a monthly basis. The report must include available information to personally identify the defendant.

(b) The office of state public defender shall:

(i) notify the department of revenue of the defendant's unpaid costs and provide the department of revenue with the defendant's full name, social security number, and address and the amount of the defendant's unpaid costs; and

(ii) work cooperatively with the department of revenue to collect the defendant's unpaid costs.

(c) The department of revenue shall collect the defendant's unpaid costs assessed under this section. All costs collected by the department of revenue or the office of state public defender if the office receives or collects any costs owed under this section must be deposited in the state general fund and clearly credited against any balance owed by a defendant.

(d) The office of the court administrator, office of state public defender, and department of revenue shall develop a mutually agreed-upon report format and procedures for ensuring the timely and accurate transfer of information to collect unpaid costs assessed under this section.

(3) In any proceeding for the determination of whether a defendant is or will be able to pay the costs of counsel, the court shall question the defendant as to the defendant's ability to pay those costs and shall inform the defendant that purposely false or misleading statements by the defendant may result in criminal charges against the defendant.

(4) The court may not sentence a defendant to pay the costs for assigned counsel unless the defendant is or will be able to pay the costs imposed by subsection (1). The court may find that the defendant is able to pay only a portion of the costs assessed. In determining the amount and

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method of payment of costs, the court shall take into account the financial resources of the defendant and the nature of the burden that payment of costs will impose.

(5) A defendant who has been sentenced to pay costs may at any time petition the court that sentenced the defendant for remission of the payment of costs or of any unpaid portion of the costs. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may ~~remit~~ reduce all or part of the amount due in costs or modify the method of payment. The court shall notify the office of state public defender of any reduction to the amount due.

(6) A defendant's obligation to make payments for the cost of counsel is suspended during periods of incarceration.

(7) Any costs imposed under this section must be included in the court's judgment."

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2017."

Insert: "NEW SECTION. Section 3. Applicability. [This act] applies to costs assessed against a defendant on or after July 1, 2017."

And, as amended, do pass. Report adopted.

HB 77, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "DEPARTMENT-LEVEL"

Strike: "GOVERNOR"

Insert: "DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION"

2. Title, page 1, line 8.

Following: "ADVISORY"

Insert: "AND TEMPORARY"

3. Title, page 1, line 10.

Strike: "OFFICE"

Insert: "DIVISION"

4. Title, page 1, line 11.

Strike: "OFFICE"

Insert: "DIVISION"

5. Title, page 1, line 14.

Strike: "2-15-104, 2-15-111,"

6. Title, page 1, line 16.

Following: "46-17-203,"

Insert: "46-21-111,"

7. Title, page 1, line 18.

Following: "72-5-408, MCA;"

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Strike: "AND"

Insert: "REPEALING SECTION 2-15-1028, MCA;"

8. Title, page 1, line 19.

Following: "VOIDNESS"

Insert: "; AND PROVIDING EFFECTIVE DATES"

9. Page 1, line 23 through page 3, line 8.

Strike: section 1 through section 2 in their entirety

Renumber: subsequent sections

10. Page 3, line 10.

Strike: "(1)"

11. Page 3, line 11 through line 12.

Strike: "governor" on line 11 through "subsection (2)" on line 12

Insert: "director of the department of administration"

12. Page 3, line 13.

Strike: "governor"

Insert: "director of the department of administration"

13. Page 3, line 14 through line 17.

Strike: subsection (2) in its entirety

14. Page 3, line 21.

Strike: "[section 3]"

Insert: "[section 1]"

15. Page 5, line 4.

Strike: "[section 3]"

Insert: "[section 1]"

16. Page 6, line 12.

Strike: "[section 3]"

Insert: "[section 1]"

17. Page 6, line 13.

Strike: "chief public defender"

Insert: "public defender division administrator"

18. Page 6, line 16.

Strike: "chief public defender"

Insert: "public defender division administrator"

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19. Page 6, line 17.

Strike: "chief appellate defender"

Insert: "appellate defender division administrator"

20. Page 6, line 19.

Strike: "chief conflict defender"

Insert: "conflict defender division administrator"

21. Page 7, line 4.

Strike: "[section 27]"

Insert: "[section 26]"

22. Page 8, line 12.

Strike: "[section 27]"

Insert: "[section 26]"

23. Page 9, line 12.

Strike: "[section 27]"

Insert: "[section 26]"

24. Page 9, line 15.

Strike: "[section 27]"

Insert: "[section 26]"

25. Page 9, line 20.

Strike: "[section 27]"

Insert: "[section 26]"

26. Page 10, line 1.

Strike: "[section 27]"

Insert: "[section 26]"

27. Page 10, line 6.

Strike: "[section 27]"

Insert: "[section 26]"

28. Page 11, line 26.

Strike: "office of chief appellate defender"

Insert: "appellate defender division"

29. Page 12, line 4.

Strike: "[section 27]"

Insert: "[section 26]"

30. Page 12, line 13.

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Strike: "[section 3]"

Insert: "[section 1]"

31. Page 12, line 27.

Strike: "[section 3]"

Insert: "[section 1]"

32. Page 13, line 11.

Strike: "[section 3]"

Insert: "[section 1]"

33. Page 13, line 17.

Strike: "[section 3]"

Insert: "[section 1]"

34. Page 13, line 30.

Strike: "[section 3]"

Insert: "[section 1]"

35. Page 14, line 12.

Strike: "[section 3]"

Insert: "[section 1]"

36. Page 15, line 8.

Strike: "[section 27]"

Insert: "[section 26]"

37. Page 15, line 25.

Strike: "[section 3]"

Insert: "[section 1]"

38. Page 16.

Following: line 3

Insert: "**Section 18.** Section 46-21-111, MCA, is amended to read:

"46-21-111. Preservation and disposal of biological evidence obtained in criminal proceeding. (1) (a) A law enforcement agency shall preserve biological evidence that the agency has reason to believe contains DNA material and that is obtained in connection with a felony for which a conviction is obtained. The agency shall preserve the evidence for a minimum of 3 years after the conviction in the case becomes final or for any period beyond 3 years that is required by a court order issued within 3 years after the conviction in the case becomes final.

(b) An agency may propose to dispose of biological evidence before the expiration of the time period described in subsection (1)(a) if the agency notifies the convicted person, the attorney of record for the convicted person, and the Montana chief public defender division administrator. The notification must include a description of the biological evidence, a statement that the agency will dispose of the evidence unless a party files an objection in writing within 120 days from the date

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of service of the notification in the court that entered the judgment, and the name and mailing address of the court where an objection may be filed. If an objection to the disposition of the evidence is not filed within the 120-day period, the agency may dispose of the evidence. If a written objection is filed, the court shall consider the reasons for and against disposition of the evidence, may hold a hearing on the proposed disposition of the evidence, and shall issue an order ruling on the matter as required by the interests of justice and the integrity of the criminal justice system.

(c) If a party objects to the disposition of the biological evidence, the agency has the burden of proving by a preponderance of the evidence that the evidence should be disposed of.

(2) Upon completion of laboratory analysis, the laboratory operated by the forensic sciences division of the department of justice shall permanently preserve under laboratory control any remaining biological evidence collected from items submitted to it.

(3) For purposes of this section, the following definitions apply:

(a) "Biological evidence" means any item that contains blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids, or other identifiable biological material, including the contents of a sexual assault examination kit, that is collected as part of a criminal investigation or that may reasonably be used to incriminate or exculpate any person of an offense.

(b) "DNA" means deoxyribonucleic acid."

Renumber: subsequent sections

39. Page 16, line 22.

Strike: "[section 3]"

Insert: "[section 1]"

40. Page 18, line 3.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

41. Page 18, line 6 through line 7.

Strike: "governor" on line 6 through "[section 3]" on line 7

Insert: "director of the department of administration as provided in [section 1]"

42. Page 18, line 10.

Strike: "[section 3]"

Insert: "[section 1]"

43. Page 18, line 13.

Strike: "office" through "defender"

Insert: "appellate defender division and the conflict defender division"

44. Page 20, line 18.

Following: "~~report~~"

Insert: "-- report"

45. Page 20, line 19.

Strike: "in consultation with the commission"

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46. Page 20, line 21.

Strike: "chief public defender"

Insert: "public defender division administrator"

47. Page 20, line 22.

Strike: "chief public defender"

Insert: "public defender division administrator"

48. Page 20, line 23.

Strike: "chief public defender"

Insert: "public defender division administrator"

49. Page 20, line 24.

Strike: "chief appellate defender"

Insert: "appellate defender division administrator"

50. Page 20, line 25.

Strike: "chief appellate defender"

Insert: "appellate defender division administrator"

51. Page 20, line 26.

Strike: "chief appellate defender"

Insert: "appellate defender division administrator"

52. Page 20, line 27.

Strike: "chief conflict defender"

Insert: "conflict defender division administrator"

53. Page 20, line 28.

Strike: "chief conflict defender"

Insert: "conflict defender division administrator"

54. Page 20, line 29.

Strike: "chief conflict defender"

Insert: "conflict defender division administrator"

55. Page 21, line 15 through line 17.

Following: "submitted by the" on line 15

Strike: remainder of line 15 through line 17

Insert: "public defender division administrator, the central services division administrator, the appellate defender division administrator, and the conflict defender division administrator;"

56. Page 21, line 21.

Strike: "and"

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57. Page 21, line 23.

Strike: ". "

Insert: "; and

(e) examine workloads and workload standards for all levels within the office of state public defender and include its findings in the biennial report provided for in [section 28]."

58. Page 23, line 2.

Following: line 2

Insert: "(3) By August 1 of each year, the state treasurer shall transfer the unencumbered balance in the public defender account to the state general fund."

59. Page 24, line 12.

Strike: "office"

Insert: "division"

Strike: "[section 27]"

Insert: "[section 26]"

60. Page 25, line 2.

Following: line 2

Insert: "(6) The central services division shall review all applications for court-appointed counsel in order to determine whether applicants are eligible. The central services division shall ensure that determinations based on presumptive eligibility, income and assets, and substantial hardships are done in a consistent manner throughout the state. The central services division shall verify information on the application form for all applicants seeking counsel under subsection (3)(b)."

Renumber: subsequent subsections

61. Page 25, line 3.

Strike: "office"

Insert: "central services division"

62. Page 25, line 5.

Following: "process is"

Insert: "done timely and is"

63. Page 25, line 17.

Strike: "chief conflict defender"

Insert: "conflict defender division administrator"

64. Page 25, line 18.

Strike: "office to"

Insert: "defender division"

65. Page 25, line 19 through line 20.

Strike: "office of chief public" on line 19 through "appellate defender" on line 20

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Insert: "public defender division or the appellate defender division"

66. Page 25, line 21 through line 22.

Strike: "chief conflict defender"

Insert: "conflict defender division administrator"

67. Page 25, line 23.

Strike: "chief conflict defender"

Insert: "conflict defender division administrator"

68. Page 25, line 24.

Strike: "chief public defender"

Insert: "public defender division administrator"

69. Page 25, line 25.

Strike: "chief conflict defender"

Insert: "conflict defender division administrator"

70. Page 25, line 27.

Strike: "chief conflict defender"

Insert: "conflict defender division administrator"

71. Page 25, line 29.

Strike: "office"

Insert: "division"

72. Page 25, line 30.

Following: "central services"

Strike: "office"

Insert: "division"

Following: "The"

Strike: "office"

Insert: "division"

73. Page 26, line 1.

Strike: "office"

Insert: "division"

74. Page 26, line 3.

Strike: "office"

Insert: "division"

75. Page 26, line 6.

Following: "47-1-210;"

Strike: "and"

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Following: line 6

Insert: "(d) provide administrative support to the director; and"

Renumber: subsequent subsection

76. Page 26, line 9.

Following: "central services"

Strike: "office"

Insert: "division"

77. Page 26, line 10 through line 11.

Strike: "chief" on line 10 through "conflict defender" on line 11

Insert: "public defender division administrator, appellate defender division administrator, and conflict defender division administrator"

78. Page 26, line 20.

Strike: "office"

Insert: "division"

79. Page 27, line 5 through line 6.

Strike: "offices" on line 5 through "conflict defender" on line 6

Insert: "public defender division, the appellate defender division, and the conflict defender division"

80. Page 27, line 14 through line 15.

Following: "represented by the"

Strike: "office of chief" on line 14 through "conflict defender" on line 15

Insert: "public defender division, the appellate defender division, and the conflict defender division"

81. Page 27, line 24.

Following: "(2)"

Strike: "(a)"

82. Page 27, line 29.

Following: "each case type."

Insert: "The report must be provided in an electronic format."

83. Page 27, line 30 through page 28, line 4.

Strike: subsection (b) through subsection (c) in their entirety

84. Page 28, line 7.

Strike: "Office" through "defender"

Insert: "Public defender division"

85. Page 28, line 8.

Strike: "an office" through "defender"

Insert: "a public defender division"

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86. Page 28, line 9.

Strike: "office is the chief public defender"

Insert: "division is the public defender division administrator"

87. Page 28, line 10.

Strike: "chief public defender"

Insert: "public defender division administrator"

88. Page 28, line 10 through line 12.

Strike: the second "chief public" on line 10 through "defender" on line 11

Insert: "public defender division administrator"

Strike: "chief public" on line 11 through "defender" on line 12

Insert: "public defender division administrator"

89. Page 28, line 15.

Strike: "chief public defender"

Insert: "public defender division administrator"

90. Page 28, line 16.

Strike: "office of ~~state~~ chief public defender"

Insert: "public defender division"

91. Page 28, line 27.

Strike: "office of chief public defender"

Insert: "public defender division"

92. Page 29, line 26.

Strike: "Chief public defender"

Insert: "Public defender division administrator"

93. Page 29, line 27.

Strike: "chief public defender"

Insert: "public defender division administrator"

94. Page 30, line 8.

Strike: "office"

Insert: "division"

Strike: "[section 27]"

Insert: "[section 26]"

95. Page 30, line 17.

Strike: "office"

Insert: "division"

96. Page 30, line 25.

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Strike: "chief public defender"

Insert: "public defender division administrator"

97. Page 30, line 28.

Strike: "Office of chief appellate defender -- chief appellate defender"

Insert: "Appellate defender division -- division administrator"

98. Page 30, line 28 through line 29.

Strike: "office of" on line 28 through "chief appellate defender" on line 29

Insert: "appellate defender division"

Strike: "office of chief appellate defender" on line 29

Insert: "appellate defender division"

99. Page 30, line 30.

Strike: "chief appellate defender"

Insert: "appellate defender division administrator"

100. Page 31, line 1.

Strike: "office of chief appellate defender"

Insert: "appellate defender division"

Strike: "chief appellate defender"

Insert: "appellate defender division administrator"

101. Page 31, line 5.

Strike: "chief appellate defender"

Insert: "appellate defender division administrator"

102. Page 31, line 6.

Strike: "chief appellate defender"

Insert: "appellate defender division administrator"

103. Page 31, line 8.

Strike: "chief appellate defender"

Insert: "appellate defender division administrator"

104. Page 31, line 9 through line 10.

Strike: "office of" on line 9 through "defender" on line 10

Insert: "appellate defender division"

105. Page 31, line 11.

Strike: "office of chief appellate defender"

Insert: "appellate defender division"

106. Page 31, line 17.

Strike: "office of chief appellate defender"

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Insert: "appellate defender division"

107. Page 31, line 21.

Strike: "office of chief appellate defender"

Insert: "appellate defender division"

108. Page 31, line 23.

Strike: "office provided for in [section 27]"

Insert: "division provided for in [section 26]"

109. Page 31, line 24 through line 25.

Strike: "office of" on line 24 through "defender" on line 25

Insert: "appellate defender division"

110. Page 31, line 29.

Strike: "chief appellate defender"

Insert: "appellate defender division administrator"

111. Page 32, line 2 through line 3.

Strike: "office" on line 2 through "[section 27]" on line 3

Insert: "division provided for in [section 26]"

112. Page 32, line 4.

Strike: "administrator of the central services office"

Insert: "central services division administrator"

113. Page 32, line 20.

Strike: "chief public defender"

Insert: "public defender division administrator"

114. Page 32, line 23.

Strike: "chief public defender"

Insert: "public defender division administrator"

115. Page 33, line 1.

Strike: "chief public defender"

Insert: "public defender division administrator"

116. Page 33, line 3.

Strike: "chief public defender"

Insert: "public defender division administrator"

117. Page 33, line 6.

Strike: "chief public defender"

Insert: "public defender division administrator"

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118. Page 33, line 7 through line 8.

Strike: "chief public" through "defender" on line 8

Insert: "the public defender division administrator"

119. Page 33, line 9.

Strike: "chief public defender"

Insert: "public defender division administrator"

120. Page 33, line 10.

Strike: "chief public defender"

Insert: "public defender division administrator"

121. Page 33, line 15 through line 16.

Strike: ", in consultation with the commission,"

122. Page 33, line 17.

Strike: "office provided for in [section 27]"

Insert: "division provided for in [section 26]"

123. Page 33, line 20.

Strike: "office"

Insert: "division"

124. Page 33, line 21 through line 22.

Strike: "administrator" on line 21 through "office" on line 22

Insert: "central services division administrator"

125. Page 34, line 4.

Strike: "appearing before the following specialty courts"

126. Page 34, line 5.

Following: "fee"

Strike: ":",

Insert: ":",

127. Page 34, line 6 through line 11.

Strike: line 6 through line 11 in their entirety

128. Page 34, line 17 through line 18.

Strike: "that meets" on line 17 through "commission" on line 18

129. Page 34, line 26.

Strike: "in accordance" through "commission"

130. Page 34, line 27 through line 28.

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Strike: "chief public defender" on line 27 through "conflict defender" on line 28

Insert: "public defender division administrator, deputy public defenders, appellate defender division administrator, and conflict defender division administrator"

131. Page 35, line 19.

Strike: "[section 3]"

Insert: "[section 1]"

132. Page 37, line 1.

Strike: "[section 3]"

Insert: "[section 1]"

133. Page 38, line 6.

Strike: "[section 3]"

Insert: "[section 1]"

134. Page 39, line 11.

Strike: "[section 3]"

Insert: "[section 1]"

135. Page 40, line 5.

Strike: "[section 3]"

Insert: "[section 1]"

136. Page 40, line 11.

Strike: "[section 3]"

Insert: "[section 1]"

137. Page 40, line 19.

Strike: "[section 3]"

Insert: "[section 1]"

138. Page 41, line 11.

Strike: "[section 3]"

Insert: "[section 1]"

139. Page 43, line 30.

Strike: "[section 3]"

Insert: "[section 1]"

140. Page 44, line 27.

Strike: "[section 3]"

Insert: "[section 1]"

141. Page 45, line 9.

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Strike: "[section 3]"

Insert: "[section 1]"

142. Page 45, line 19 through line 20.

Strike: "[section 3]"

Insert: "[section 1]"

143. Page 46, line 15.

Strike: "[section 3]"

Strike: "[section 1]"

144. Page 47, line 1.

Following: line 1

Insert: "NEW SECTION. Section 45. Repealer. The following section of the Montana Code Annotated is repealed:

2-15-1028. Public defender commission.

"

Renumber: subsequent sections

145. Page 47, line 4.

Strike: "The governor" on line 4 through "January 1, 2018." on line 5.

Insert: "(1) The director of the department of administration shall hire the director of the office of state public defender by July 1, 2017. Within 30 days of [the effective date of this section], the public defender advisory commission shall submit a list of nominees for the position of director of the office of state public defender to the director of the department of administration. The director of the department of administration shall consider the nominees on the list but may hire a director whose name was not included on the list.

(2) By September 1, 2018, the office of state public defender shall report to the law and justice interim committee on the status of the termination of the public defender advisory commission."

146. Page 47, line 8.

Strike: "[Section 3]"

Insert: "[Section 1]"

147. Page 47, line 9.

Strike: "[section 3]"

Insert: "[section 1]"

148. Page 47, line 10.

Strike: "[Sections 27 and 28]"

Insert: "[Sections 26 and 27]"

149. Page 47, line 11.

Strike: "[sections 27 and 28]"

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Insert: "[sections 26 and 27]"

150. Page 47, line 13.

Strike: "[section 3]"

Insert: "[section 1]"

151. Page 47, line 19.

Following: line 19

Insert: "NEW SECTION. **Section 48. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

152. Page 47, line 23.

Following: line 23

Insert: "NEW SECTION. **Section 50. Effective dates.** (1) Except as provided in subsections (2) and (3), [this act] is effective July 1, 2017.

(2) [Sections 1 and 46] and this section are effective on passage and approval.

(3) [Section 45] is effective July 1, 2019."

And, as amended, do pass. Report adopted.

HB 302, do pass. Report adopted.

HB 306, do pass. Report adopted.

HB 342, do pass. Report adopted.

LOCAL GOVERNMENT (Greef, Chair):

2/7/2017

HB 225, introduced bill, be amended as follows:

1. Page 1, line 25.

Strike: "is allocated"

Insert: "must be transferred"

2. Page 2, line 9.

Following: "of the"

Insert: "state-maintained"

3. Page 2, line 12.

Following: "of the"

Insert: "state-maintained"

4. Page 11, line 11.

Following: "(21)(a)"

Strike: "Unless"

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Insert: "If"
Strike: "\$2"
Insert: "\$5"

5. Page 11, line 14.
Following: "to the"
Insert: "department of"
Following: "transportation"
Strike: "commission"

6. Page 11, line 16 through 17.
Strike: "certify that the person does not intend to use shared-use paths and may"

7. Page 11, line 17.
Following: "written"
Insert: "or electronic"
Following: "election"
Strike: "not"

8. Page 11, line 18.
Strike: "\$2"
Insert: "\$5"

9. Page 11, line 18 through line 22.
Following: "(21)(a)."
Strike: remainder of line 18 through line 22

And, as amended, do pass. Report adopted.

HB 317, introduced bill, be amended as follows:

1. Page 2, lines 15 and 16.
Following: "hearing" on line 15
Insert: ", "
Strike: "or a" on line 15 through "76-3-615₁" on line 16

2. Page 2, line 18.
Following: "apply."
Insert: "The governing body shall state in the subdivision regulations adopted pursuant to 76-3-504 whether or not a public hearing will be required for first minor subdivisions."

And, as amended, do pass. Report adopted.

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STATE ADMINISTRATION (Mandeville, Chair): 2/8/2017
HB 288, do pass. Report adopted.
SB 131, be amended as follows:

1. Page 1, line 10 through line 22.
Strike: line 10 through line 22 in their entirety

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 2/6/2017

HB 43, introduced by Fern
HB 63, introduced by Hamilton
HB 76, introduced by G. Hertz
HB 115, introduced by Kipp

Senate bills passed and transmitted to the House for concurrence: 2/6/2017

SB 117, introduced by R. Webb
SB 129, introduced by Caferro

House amendments to Senate joint resolution concurred in: 2/6/2017

SJR 1, introduced by Thomas

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 405, introduced by R. Cook, referred to Local Government.
HB 415, introduced by S. Morigeau, D. Bartel, J. Eck, G. Hertz, M. Hopkins, C. Knudsen, S. Lavin, Z. Perry, G. Pierson, A. Redfield, T. Richmond, D. Salomon, S. Stewart-Peregoy, D. Zolnikov, referred to Transportation.
HB 417, introduced by K. McCarthy, K. Abbott, B. Bennett, K. Kelker, S. Morigeau, C. Schreiner, T. Woods, referred to Judiciary.
HB 418, introduced by K. McCarthy, F. Anderson, K. Kelker, S. Vinton, T. Woods, referred to Education.
HB 419, introduced by W. Curdy, G. Kipp III, R. Peppers, J. Small, B. Smith, F. Smith, S. Stewart-Peregoy, G. Vuckovich, S. Webber, L. Whitford, J. Windy Boy, referred to Agriculture.
HB 420, introduced by B. Hamlett, A. Knudsen, referred to Taxation.

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The following Senate bills were read first time, and referred to committees:

SB 117, introduced by R. Webb, referred to Judiciary.

SB 129, introduced by M. Caferro, referred to Human Services.

SB 142, introduced by T. Facey, referred to Business and Labor.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Ehli moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Mandeville in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Ricci rose on a **Point of Personal Privilege** and read the following statement from SB 278, 62nd Legislative Session. " WHEREAS, the Legislature believes it is appropriate to allow Montana consumers a choice on whether they want to participate in air ambulance service membership programs as a means to offset the costs of air ambulance services, while supporting the continued availability of these services in their communities."

HB 73 - Representative Lynch moved **HB 73** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, Z. Brown, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, Lavin, Lenz, Loge, Lynch, Mandeville, McCarthy, McConnell, McKamey, Morigeau, Mortensen, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.
Total 94

Nays: B. Brown, Burnett, C Knudsen, Manzella, Noland, Rosendale.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 173 - Representative Dudik moved **HB 173** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 187 - Representative Hamilton moved **HB 187** do pass. Motion carried as follows:

Yeas: Abbott, Bachmeier, Bennett, Bishop, Z. Brown, Cook, Court, Curdy, Curtis, Custer, Dudik, Dunwell, Eck, Ellis, Fern, Fleming, Flynn, Funk, Galt, Grubbs, Hamilton, Hamlett, Hayman, A Hertz, G Hertz, Hill-Smith, Jacobson, Karjala, Keane, Kelker, Kipp III, Knokey, Lavin, Lynch, McConnell, Morigeau, O'Hara, Olsen, Peppers, Perry, Pierson, Price, Ryan, Sales, Schreiner, Shaw, Smith, Stewart-Per, Swanson, Trebas, Webber, Welch, Windy Boy, Woods.

Total 54

Nays: Anderson, Ballance, Bartel, Beard, Berglee, Brodehl, B. Brown, Burnett, Cuffe, Doane, Ehli, Essmann, Fitzgerald, Galloway, Garner, Glimm, Greef, Gunderson, Harris, Holmlund, Hopkins, Jones, C Knudsen, Lenz, Loge, Mandeville, Manzella, McCarthy, McKamey, Mortensen, Noland, Patelis, Redfield, Regier, Ricci, Rosendale, Skees, Staffanson, Tschida, Usher, Vinton, Wagoner, Webb, White, Zolnikov, Mr. Speaker.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 211 - Representative Hamlett moved **HB 211**, second reading copy, be amended as follows:

1. Page 3, line 5.

Following: "numbers"

Insert: ", including the number of leks,"

Amendment adopted as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart-Per, Swanson, Trebas, Tschida, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 98

Nays: Staffanson, Usher.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 211 - Representative Hamlett moved **HB 211** do pass as amended. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Mr. Speaker.

Total 99

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Nays: Zolnikov.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 219 - Representative Z. Brown moved **HB 219** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.
Total 99

Nays: Regier.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 226 - Representative Perry moved **HB 226**, second reading copy, be amended as follows:

1. Title, page 1, line 4.
Strike: "INCREASING"
Insert: "ALLOWING FOR AN INCREASE OF"

2. Page 1, line 12.
Following: "25%"
Insert: "or 50%"

Amendment adopted as follows:

Yeas: Abbott, Anderson, Bachmeier, Bartel, Beard, Bennett, Bishop, Z. Brown, Burnett, Court,

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Cuffe, Curdy, Curtis, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Fern, Fitzgerald, Fleming, Funk, Galloway, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Hayman, A Hertz, Hill-Smith, Holmlund, Jacobson, Karjala, Keane, Kelker, Kipp III, C Knudsen, Lavin, Lenz, Lynch, Mandeville, McCarthy, McConnell, McKamey, Olsen, Peppers, Perry, Pierson, Price, Ricci, Ryan, Sales, Schreiner, Shaw, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Vinton, Webb, Webber, Welch, Windy Boy, Woods.

Total 67

Nays: Ballance, Berglee, Brodehl, B. Brown, Cook, Custer, Essmann, Flynn, Galt, Garner, Glimm, Harris, G Hertz, Hopkins, Jones, Knokey, Loge, Manzella, Mortensen, Noland, O'Hara, Patelis, Redfield, Regier, Rosendale, Skees, Tschida, Usher, Wagoner, White, Zolnikov, Mr. Speaker.

Total 32

Excused: None.

Total 0

Absent or not voting: Morigeau.

Total 1

HB 226 - Representative Perry moved **HB 226** do pass as amended. Motion carried as follows:

Yeas: Abbott, Bachmeier, Bennett, Bishop, Z. Brown, Cook, Court, Curdy, Curtis, Dudik, Eck, Ellis, Fern, Fitzgerald, Fleming, Funk, Galt, Garner, Grubbs, Gunderson, Hamilton, Hamlett, Hayman, A Hertz, G Hertz, Hill-Smith, Jacobson, Karjala, Keane, Kelker, Kipp III, C Knudsen, Lavin, Lynch, McCarthy, McConnell, Morigeau, Olsen, Peppers, Perry, Pierson, Price, Ryan, Sales, Schreiner, Shaw, Smith, Stewart-Per, Swanson, Trebas, Webber, Welch, Windy Boy, Woods.

Total 54

Nays: Anderson, Ballance, Bartel, Beard, Berglee, Brodehl, B. Brown, Burnett, Cuffe, Custer, Doane, Dunwell, Ehli, Essmann, Flynn, Galloway, Glimm, Greef, Harris, Holmlund, Hopkins, Jones, Knokey, Lenz, Loge, Mandeville, Manzella, McKamey, Mortensen, Noland, O'Hara, Patelis, Redfield, Regier, Ricci, Rosendale, Skees, Staffanson, Tschida, Usher, Vinton, Wagoner, Webb, White, Zolnikov, Mr. Speaker.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 297 - Representative A. Hertz moved **HB 297** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 98

Nays: Burnett, Essmann.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 4 - Representative Fern moved **HJR 4** do pass. Motion **failed** as follows:

Yeas: Anderson, Ballance, Beard, Berglee, Z. Brown, Cook, Cuffe, Custer, Doane, Essmann, Fern, Fitzgerald, Flynn, Galt, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, A Hertz, G Hertz, Jacobson, Jones, Keane, Knokey, C Knudsen, Lavin, Lenz, Loge, McKamey, Mortensen, Patelis, Pierson, Redfield, Ricci, Sales, Shaw, Smith, Staffanson, Webb, Welch, White, Windy Boy, Zolnikov, Mr. Speaker.

Total 46

Nays: Abbott, Bachmeier, Bartel, Bennett, Bishop, Brodehl, B. Brown, Burnett, Court, Curdy, Curtis, Dudik, Dunwell, Eck, Ehli, Ellis, Fleming, Funk, Galloway, Glimm, Harris, Hayman, Hill-Smith, Holmlund, Hopkins, Karjala, Kelker, Kipp III, Lynch, Mandeville, Manzella, McCarthy, McConnell, Morigeau, Noland, O'Hara, Olsen, Peppers, Perry, Price, Regier, Rosendale, Ryan, Schreiner, Skees, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webber, Woods.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 10 - Representative Redfield moved **SB 10** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 41 - Representative W. Sales moved **SB 41** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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SB 53 - Representative Galt moved **SB 53** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Beard, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Manzella, McCarthy, McConnell, McKamey, Mortensen, Noland, O'Hara, Olsen, Patelis, Perry, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Woods, Zolnikov, Mr. Speaker.

Total 90

Nays: Bartel, Bennett, Karjala, Lynch, Mandeville, Morigeau, Peppers, Pierson, Smith, Windy Boy.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 68 - Representative Olsen moved **SB 68** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, Z. Brown, Burnett, Cook, Court, Curdy, Curtis, Custer, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, Hill-Smith, Holmlund, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 93

Nays: B. Brown, Cuffe, Doane, Glimm, G Hertz, Hopkins, Wagoner.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SJR 2 - Representative Bishop moved **SJR 2** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bartel, Bennett, Berglee, Bishop, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Hayman, G Hertz, Hill-Smith, Holmlund, Jacobson, Karjala, Keane, Kelker, Kipp III, Knokey, Lavin, Loge, Lynch, McCarthy, Morigeau, O'Hara, Peppers, Perry, Pierson, Price, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Smith, Stewart-Per, Swanson, Trebas, Vinton, Webb, Webber, Welch, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 72

Nays: Ballance, Beard, Brodehl, B. Brown, Glimm, Harris, A Hertz, Hopkins, Jones, C Knudsen, Lenz, Mandeville, Manzella, McConnell, McKamey, Mortensen, Noland, Olsen, Patelis, Redfield, Regier, Skees, Staffanson, Tschida, Usher, Wagoner, White.

Total 27

Excused: None.

Total 0

Absent or not voting: Doane.

Total 1

Majority Leader Ehli moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Mandeville moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Glimm, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 95

Nays: Mandeville.

Total 1

Excused: None.

Total 0

Absent or not voting: Curdy, Garner, Greef, Hopkins.

Total 4

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THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 95 passed as follows:

Yeas: Abbott, Bachmeier, Ballance, Bennett, Bishop, Z. Brown, Cook, Court, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galt, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, Hill-Smith, Holmlund, Karjala, Keane, Kelker, Kipp III, Knokey, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Olsen, Patelis, Peppers, Perry, Pierson, Redfield, Regier, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Vinton, Webb, Webber, Welch, White, Windy Boy, Woods.

Total 71

Nays: Anderson, Bartel, Beard, Berglee, Brodehl, B. Brown, Burnett, Cuffe, Galloway, Glimm, G Hertz, Hopkins, Jacobson, Jones, C Knudsen, Lavin, Lenz, Loge, Mortensen, Noland, O'Hara, Price, Ricci, Rosendale, Tschida, Usher, Wagoner, Zolnikov, Mr. Speaker.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 182 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Z. Brown, Cook, Court, Curdy, Curtis, Custer, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Funk, Galloway, Garner, Glimm, Grubbs, Gunderson, Hamilton, Hamlett, Hayman, A Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, Lavin, Loge, Lynch, McCarthy, McConnell, McKamey, Morigeau, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart-Per, Swanson, Trebas, Vinton, Webber, Welch, Windy Boy, Woods.

Total 74

Nays: Brodehl, B. Brown, Burnett, Cuffe, Doane, Flynn, Galt, Greef, Harris, G Hertz, C Knudsen, Lenz, Mandeville, Manzella, Mortensen, Redfield, Regier, Ricci, Staffanson, Tschida, Usher, Wagoner, Webb, White, Zolnikov, Mr. Speaker.

Total 26

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 195 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 201 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 245 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curtis, Custer, Doane, Dunwell, Ehli, Essmann, Fern, Fitzgerald, Fleming, Flynn, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamlett, Harris, A Hertz, G Hertz, Holmlund, Hopkins, Jacobson, Jones, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McKamey, Morigeau, Mortensen, Noland, O'Hara, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Zolnikov, Mr. Speaker.

Total 87

Nays: Curdy, Dudik, Eck, Ellis, Funk, Hamilton, Hayman, Hill-Smith, Karjala, McConnell, Olsen, Ryan, Woods.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 256 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 99

Nays: Manzella.

Total 1

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 271 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Bishop, B. Brown, Z. Brown, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, O'Hara, Olsen, Patelis, Peppers, Perry, Price, Redfield, Regier, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Vinton, Wagoner, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 91

Nays: Berglee, Brodehl, Burnett, Glimm, Noland, Pierson, Ricci, Usher, Webb.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 279 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 286 passed as follows:

Yeas: Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Eck, Ehli, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Welch, White, Windy Boy, Zolnikov, Mr. Speaker.

Total 92

Nays: Abbott, Dunwell, Ellis, Hayman, Peppers, Schreiner, Webber, Woods.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 305 passed as follows:

Yeas: Anderson, Ballance, Bartel, Beard, Berglee, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Dudik, Ehli, Essmann, Fern, Fitzgerald, Fleming, Flynn, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamlett, Harris, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McKamey, Mortensen, Noland, O'Hara, Patelis, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Sales, Shaw, Skees, Smith, Staffanson, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Zolnikov, Mr. Speaker.

Total 79

Nays: Abbott, Bachmeier, Bennett, Bishop, Doane, Dunwell, Eck, Ellis, Funk, Hamilton, Hayman, Karjala, Keane, McConnell, Morigeau, Olsen, Peppers, Ryan, Schreiner, Stewart-Per, Woods.

Total 21

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 316 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Representative Ehli moved to re-refer **HB 187** to the Appropriations Committee. Without objection, so ordered.

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 415**
Motion carried.

HB 415 (S. Morigeau, Chief Sponsor)

Whitford.

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Ehli moved that the House adjourn until 1:00 p.m., Wednesday, February 8, 2017. Motion carried.

House adjourned at 2:17 p.m.

LINDSEY VROEGINDEWEY
Chief Clerk of the House

AUSTIN KNUDSEN
Speaker of the House